

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KURTIS E. ARMANN,)	
)	Civil Action No. 04-118(E)
Petitioner,)	
)	
v.)	Judge Sean J. McLaughlin
)	Magistrate Judge Susan Paradise Baxter
WARDEN, FCI McKEAN,)	
)	
Respondent.)	filed electronically

**MOTION FOR ENLARGEMENT OF TIME
TO RESPOND TO MOTION FOR EVIDENTIARY HEARING**

AND NOW, comes Respondent, James Sherman, Warden, FCI McKean (“Respondent”), by his attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Christy Wiegand, Assistant U.S. Attorney for said district, and respectfully responds to Petitioner’s Motion for Evidentiary Hearing filed herein as follows:

1. On December 29, 2005, Petitioner, through counsel, filed a Motion for Evidentiary Hearing, in which he moved this Court to consider the issue of Petitioner’s competency at the time of his plea and sentencing before a military court. In his Motion, Petitioner argues that his competency claim is of “substantial constitutional dimension,” see Motion for Evidentiary Hearing at 17, and attaches over 400 pages of documentation in support of his claim.

2. In order to be able to fully review Petitioner’s claim and voluminous supporting documentation, and in light of other litigation responsibilities, counsel for Respondent requires additional time in which to prepare a Response to the Motion.

4. Respondents respectfully request an enlargement of time of an additional thirty (30) days, or until February 16, 2006, within which to file a response to the Motion for Evidentiary Hearing.

WHEREFORE, for the foregoing reasons, Respondent respectfully requests that this Honorable Court enter an Order enlarging the time for filing an Response to the Motion for Evidentiary Hearing for an additional thirty (30) days, or until February 16, 2006.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/ Christy Wiegand
CHRISTY WIEGAND
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(412) 644-3500

Counsel for the Respondent

CERTIFICATE OF SERVICE

I hereby certify that I have served this date a copy of the within *Motion for Enlargement of Time to File Response to Motion for Evidentiary Hearing*, by mail or electronic filing, upon the following:

Thomas W. Patton
Federal Public Defender's Office
1001 State Street
1111 Renaissance Centre
Erie, PA 16501

s/ Christy Wiegand
CHRISTY WIEGAND
Assistant United States Attorney

Date: January 13, 2006